

# 2021 Developments in Connecticut Employment Law



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## Connecticut Paid Family Leave

- Conn. Gen. Stat. Ann. §§ 31-49e to 31-49h, amending in part Conn. Gen. Stat. Ann. §§ 31-51kk to 31-51qq
- Coverage: All employers and employees who have earned at least \$2,325 during highest earning quarter in the first 4 of last 5 quarters, and they are employed or have been employed by a covered employer in the previous 12 weeks or opt-in as self-employed.
- Leave Reasons: Birth, adoption, foster care placement, caring for the employee's/a family member's serious health condition, serving as a bone marrow/organ donor, qualifying exigency related to a spouse, child, parent being on active duty or impact of family violence.



## Connecticut Paid Family Leave (continued)

- Benefit: 12 weeks of benefit in a 12-month period. Up to an additional 2 weeks for an employee's serious health condition resulting in incapacitation during pregnancy
  - Benefit Amount: benefits are capped at 60x the CT minimum wage. (ex. \$780/weekly in Jan. 2022)
- Job Protection: Employees who have worked for their employer for at least 3 months must be restored to the same/equivalent position with the same pay, benefits and conditions of employment
- Notice: July 2022 employers must provide employees with **annual** notice and notice to new hires

## Minimum Wage Increase

- Conn. Gen. Stat. Ann. § 31-58(i)
- \$14.00/hour, effective July 1, 2022.
- \$15.00/hour, effective June 1, 2023.
- Annual indexing, effective January 1, 2024.



## Salary Range Disclosure and New Gender Wage Discrimination Standard

- Conn. Gen. Stat. Ann. §§ 21-30, 31-75(a)
- Employers must share wage ranges of positions with new hires, internal applicants and employees
  - “Wage Range” means the range of wages an employer anticipates relying on when setting wages for a position. It can include references to pay scales, previously determined wages for the position, actual ranges for the employees who currently hold a comparable position, or the employer’s budgeted amount for the position.
- New gender wage discrimination standard prohibits paying opposite sex less for “comparable work”
  - Compare to “equal work”
- Evaluate existing wage structure and compensation practices

## The CROWN Act

- Creating a Respectful and Open World for Natural Hair. Conn. Gen. Stat. Ann. § 46a-51(23), (24).
- The Connecticut Human Rights and Opportunities Act expands the definition of race to include physical ethnic traits associated with race, including, but not limited to, hair texture and protective hairstyles.
- Protective hairstyles include: headwraps, wigs, cornrows, locs, bantu knots, twists, afros, afro puffs, individual braids.



## COVID-19 Recall Rights for Certain Businesses

- Conn. Gen. Stat. Ann. § 21-189
- Imposes recall and retention obligations on hotels, lodging houses, food service contractors, and building services enterprises with 15 or more employees. The law requires these employers to:
  - provide written notice of available jobs to laid-off employees within five days of the position becoming available;
  - allow the laid-off employee at least five days to accept or decline the offer of employment;
  - provide written notice of the reasons not to rehire a laid-off employee within 30 days if the employer declines to rehire the laid-off employee;
  - retain a rehired employee for at least 30 days, unless there is just cause for termination; and
  - refrain from refusing to employ, terminating, reducing compensation, or taking any other adverse action against an individual for exercising their rights.

## **An Act Deterring Age Discrimination in Employment Applications**

- Conn. Gen. Stat. Ann. § 21-69
- Applies to employers with 3+ employees
- Employer may not request/require on an application that an applicant provide their age, date of birth, dates of attendance at or date of graduation from an educational institution.
- Prohibition applies to an initial employment application, suggesting that an employer can ask for this information later in the hiring process

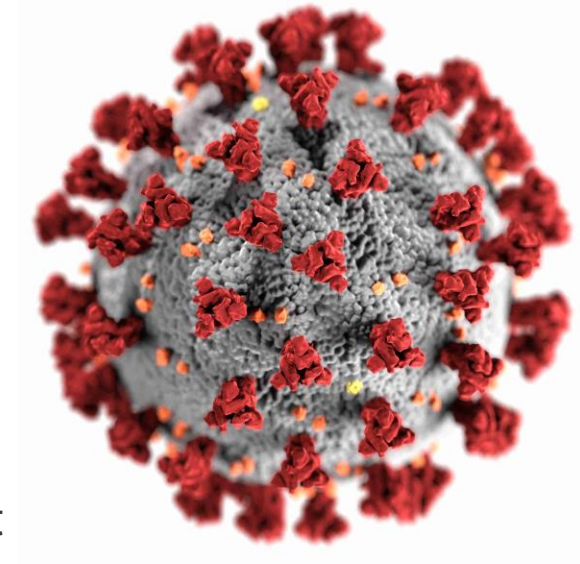


## Federal Update

(We are still talking about COVID. . . .)

## COVID-19

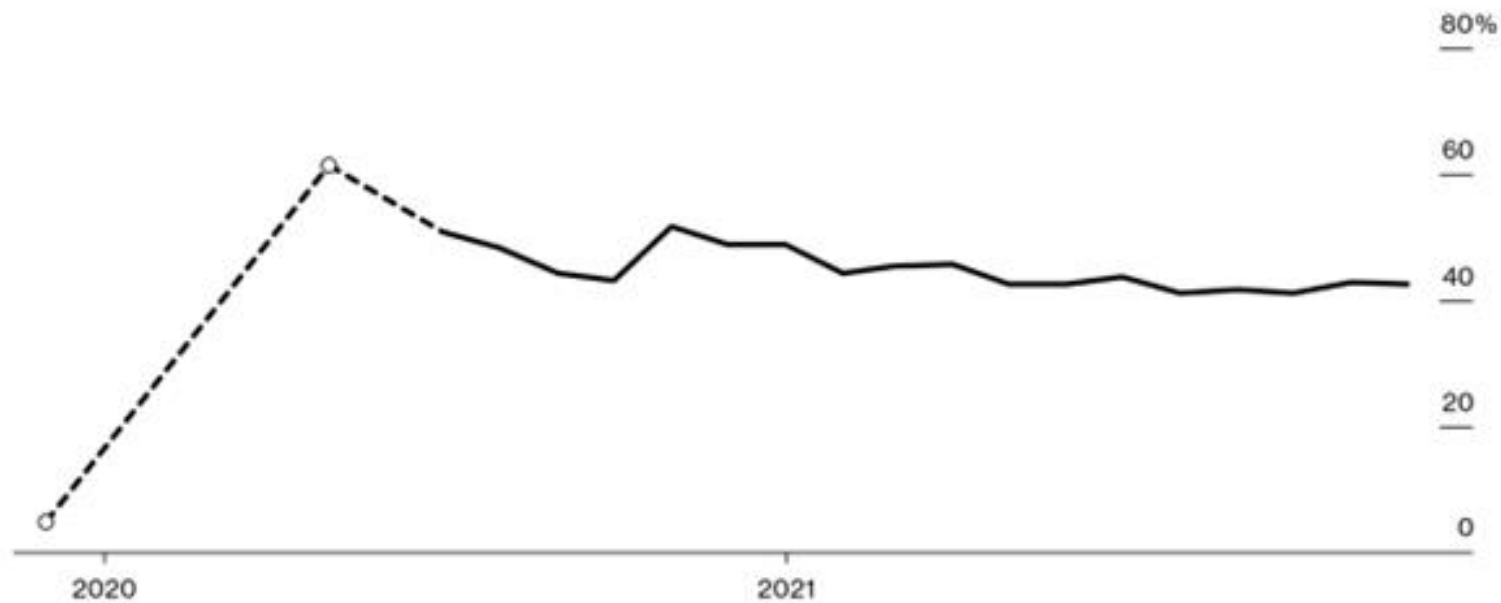
- Vaccine Mandates
  - OSHA 100 plus ETS – Stayed by Supreme Court
  - CMS Mandate – Upheld by Supreme Court
  - Federal Contractor Mandate - Split Jurisdictional Determinations
  - Best Practices Generally
- CDC Guidance for Employers
  - Boosters
  - Close Contact/Quarantine Periods
- Wage and Hour Questions Related to COVID-19



## Employee Mobility

### The WFH Plateau

Percentage of U.S. full paid days worked from home



Data: Chicago-ITAM-MIT-Stanford Survey of Working Arrangements and Attitudes, [www.wfhresearch.com](http://www.wfhresearch.com) (2020 and 2021 data); pre-2020 figure is an estimate based on the 2017-2018 American Time Use Survey conducted for the Bureau of Labor Statistics

## Employee Mobility



- Hiring/Attracting/Retaining
  - I-9 Remote
- Remote Work Policies
  - Tax implications
  - Safety implications
  - Security Considerations
  - Electronic Monitoring and State Law
- Wage and Hour Implications for Non-exempt Employees
  - Tracking time
  - Expense reimbursement

## National Labor Relations Board - 2022

- Employment Status
- Legality of Workplace Rules
- Appropriateness for Smaller Bargaining Units
- Availability of Consequential Damages
- Confidentiality Clauses in Arbitration Agreements

## Questions?

Thank you!

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